

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of: Shawn Edward WIEDERIN et al.	
Application No.: 09/836,589	Group Art Unit: 3629
Filed: April 17, 2001	Examiner: Casler, T.
Attorney Docket: CDR00010	
Client Docket: 09710_1048	

For: METHOD FOR CHARGING ON-LINE DIRECTORY ASSISTANCE SERVICES

**APPEAL BRIEF**

Honorable Commissioner for Patents  
Alexandria, VA 22313-1450

Dear Sir:

This Appeal Brief is submitted in support of the Notice of Appeal dated May 7, 2007.

**I. REAL PARTY IN INTEREST**

Verizon Corporation is the real party in interest.

**II. RELATED APPEALS AND INTERFERENCES**

Appellants are unaware of any related appeals and interferences.

**III. STATUS OF THE CLAIMS**

Claims 1-40 are pending in this appeal. No claim is allowed. This appeal is therefore taken from the final rejection of claims 1-40 on November 30, 2006.

**IV. STATUS OF AMENDMENTS**

All amendments to the claims, the last one being made in the response of October 31, 2005, have been entered. The response filed January 30, 2007 has been considered by the Examiner but the Examiner deemed it insufficient to place the application in condition for allowance.

**V. SUMMARY OF THE INVENTION**

The present invention addresses problems associated with charging for directory assistance services.

Independent claim 1 is directed to a method for charging for directory services provided over a packet switched network, as follows:

1. A method of charging for directory assistance services that are provided over a packet switched network, the method comprising:  
  
transmitting information associated with a plurality of directory listings to a client access device over the packet switched network in response to a query initiated by a customer;  
  
(See, e.g., Specification, p. 17, lines 3-5, and Fig. 3, elements 301, 303)  
  
in response to a selection of more than one of the directory listings from the client access device, transmitting a plurality of listing numbers to the client access device; (See, e.g., Specification, p. 17, line 19 – p. 18, line 3, and Fig. 3, elements 305, 307) and  
  
preparing billing information based upon a number of the plurality of listing numbers transmitted to the client access device (See, e.g., Specification, p. 18, line 9, and Fig. 3, elements 309, 311, 313).

Independent claim 9 is directed to a server apparatus for charging for directory assistance services provided over a packet switched network, as follows:

9. A server apparatus for charging for directory assistance services that are provided over a packet switched network, the server apparatus comprising:

- a communication system configured to transmit information associated with a plurality of directory listings to a client access device (See, e.g., Fig. 1B, element 105, and Specification, p. 17, lines 3-4) over the packet switched network (See, e.g., Specification, p. 1, paragraph [02], p. 9, paragraph [30], and Fig. 1B, element 115) and in response to a query initiated by a customer (See, e.g., Specification, p. 17, paragraph [46], and Fig. 3, elements 301, 303) and, in response to a selection of more than one of the directory listings from the client access device, transmitting a plurality of listing numbers to the client access device (See, e.g., Specification, p. 17, line 19 – p. 18, line 3, and Fig. 3, elements 305, 307);
- a processor configured to prepare billing information based upon a number of the plurality of listing numbers transmitted to the client access device (See, e.g., Specification, p. 18, paragraph [49], and Fig. 11, element 1105); and
- a memory coupled to the processor configured to store the number of the plurality of listing numbers (See, e.g., Fig. 11, elements 1107, 1109, 1111; Fig. 9, element 905, and Specification, p. 30, paragraph [77]).

Independent claim 17 is directed to a server apparatus for charging for directory assistance services provided over a packet switched network, as follows:

17. A server apparatus for charging for directory assistance services that are provided over a packet switched network, the server apparatus comprising:

means for transmitting information associated with plurality of directory listings to a client access device (See, e.g., Fig. 1B, element 105, and Specification, p. 17, lines 3-4) over the packet switched network (See, e.g., Specification, p. 1, paragraph [02], p. 9, paragraph [30], and Fig. 1B, element 115) in response to a query initiated by a customer (See, e.g., Specification, p. 17, paragraph [46], and Fig. 3, elements 301, 303);

means for transmitting a plurality of listing numbers to the client access device in response to a selection of more than one of the directory listings from the client access device (See, e.g., Specification, p. 17, line 19 – p. 18, line 3, and Fig. 3, elements 305, 307); and

means for preparing billing information based upon a number of the plurality of listing numbers transmitted to the client access device (See, e.g., Specification, p. 18, line 9, and Fig. 3, elements 309, 311, 313).

Independent claim 25 is directed to an on-line directory assistance service system for charging for directory assistance services provided over a packet switched network, as follows:

25. An on-line directory assistance service system for charging for directory assistance services that are provided over a packet switched network, the system comprising:

a system configured to transmit information associated with a plurality of directory listings to a client access device (See, e.g., Fig. 1B, element 105, and Specification, p. 17, lines 3-4) over the packet switched network (See, e.g., Specification, p. 1, paragraph [02], p. 9, paragraph [30], and Fig. 1B, element 115) in response to a query initiated by a customer

(See, e.g., Specification, p. 17, paragraph [46], and Fig. 3, elements 301, 303); and, in response to a selection of more than one of the directory listings from the client access device, transmitting a plurality of listing numbers to the client access device (See, e.g., Specification, p. 17, line 19 – p. 18, line 3, and Fig. 3, elements 305, 307);

a server configured to prepare billing information based upon a number of the plurality of listing numbers transmitted to the client access device (See, e.g., Specification, p. 18, line 9, and Fig. 3, elements 309, 311, 313); and

a database coupled to the server and configured to store the number of the plurality of listing numbers (See, e.g., Fig. 1B, element 101, and Specification, p. 14, paragraphs [41], [42]).

Independent claim 33 is directed to a computer-readable medium carrying one or more sequences of one or instructions for charging for directory assistance services provided over a packet switched network, as follows:

33. A computer-readable medium carrying one or more sequences of one or more instructions for charging for directory assistance services that are provided over a packet switched network, the one or more sequences of one or more instructions including instructions which, when executed by one or more processors, cause the one or more processors to perform the steps of:

transmitting information associated with a plurality of directory listings to a client access device over the packet switched network in response to a query initiated by a customer (See, e.g., Specification, p. 17, 18, paragraph [48], and Fig. 3, elements 301, 303);

transmitting a plurality of listing numbers to the client access device in response to a selection of more than one of the directory listings from the client access device (See, e.g., Specification, p. 18, paragraph [49], and Fig. 3, elements 305, 307, 309); and preparing billing information based upon a number of the plurality of listing numbers transmitted to the client access device (See, e.g., Specification, p. 18, paragraph 49, and Fig. 3, elements 309, 311, 313).

Dependent claims 2, 10, 18, 26, and 34 each requires the inclusion of **partial directory information** in the information transmitting step. Dependent claim 2 is exemplary:

2. The method according to claim 1, wherein the information in the transmitting step includes partial directory information (See, e.g., Specification, p. 10-11, paragraph [33]), the method further comprising:

receiving a request for the billing information from the client access device; and transmitting the billing information to the client access device (See, e.g., Specification, p. 18, paragraph [49]).

## VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 1, 5-9, 13-17, 21-25, 29-33, and 37-40 are obvious under 35 U.S.C. § 103 based on *Cox et al.* (US 2002/0115431) in view of *Gerszberg et al.* (US 6,052,439) and *BOC*<sup>1</sup>?

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<sup>1</sup> “BOC Expands Directory Options”; BOC Week, v9, n2; Jan. 13, 1992.

Whether claims 2-4, 10-12, 18-20, 26-28, and 34-36 are obvious under 35 U.S.C. § 103 based on *Cox et al.* (US 2002/0115431) in view of *Gerszberg et al.* (US 6,052,439) and *BOC* in further view of *Shah et al.* (US 6,212,506)?

## VII. ARGUMENT

- A. **CLAIMS 1, 5-9, 13-17, 21-25, 29-33, AND 37-40 ARE NOT RENDERED OBVIOUS OVER *COX ET AL.* IN VIEW OF *GERSZBERG ET AL.* AND *BOC*, BECAUSE NONE OF THE APPLIED REFERENCES, TAKEN SINGLY OR IN COMBINATION, DISCLOSES TRANSMITTING INFORMATION ASSOCIATED WITH A PLURALITY OF DIRECTORY LISTINGS TO A CLIENT ACCESS DEVICE...IN RESPONSE TO A QUERY INITIATED BY A CUSTOMER AND, IN RESPONSE TO A SELECTION OF MORE THAN ONE OF THE DIRECTORY LISTINGS FROM THE CLIENT ACCESS DEVICE, TRANSMITTING A PLURALITY OF LISTING NUMBERS TO THE CLIENT ACCESS DEVICE.**
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The initial burden of establishing a *prima facie* basis to deny patentability to a claimed invention under any statutory provision always rests upon the Examiner. *In re Mayne*, 104 F.3d 1339, 41 USPQ2d 1451 (Fed. Cir. 1997); *In re Deuel*, 51 F.3d 1552, 34 USPQ2d 1210 (Fed. Cir. 1995); *In re Bell*, 991 F.2d 781, 26 USPQ2d 1529 (Fed. Cir. 1993); *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In rejecting a claim under 35 U.S.C. § 103, the Examiner is required to provide a factual basis to support the obviousness conclusion. *In re Warner*, 379 F.2d 1011, 154 USPQ 173 (CCPA 1967); *In re Lunsford*, 357 F.2d 385, 148 USPQ 721 (CCPA 1966); *In re Freed*, 425 F.2d 785, 165 USPQ 570 (CCPA 1970).

Appellants submit that the Examiner has not met his burden of proof as no *prima facie* case of obviousness has been established.

Claim 1 is exemplary and includes, *inter alia*, **transmitting information associated with a plurality of directory listings to a client access device...in response to a query initiated by**

**a customer and, in response to a selection of more than one of the directory listings from the client access device, transmitting a plurality of listing numbers to the client access device.**

The applied prior art neither discloses nor suggests the concept of **transmitting a plurality of directory listings to a client access device in response to the selection of more than one of the directory listings which were supplied as a consequence of customer initiated inquiry.**

In fact, the Examiner admits that *Cox et al.* does not disclose the concept of transmitting information associated with one or more directory listings to a client access device over a package switched network in response to a customer-initiated query. This is not disputed.

Appellants contend that the *Cox et al.* system makes it the cellular carrier's responsibility, not the provider of the directory assistance service, to rate calls and determine what charge, if any, is to be levied. In *Cox et al.*, the directory assistance services and billing services are divorced from each other. This fact is also not disputed.

Moreover, Appellants point out that the Examiner's proposed modification of *Cox et al.* undermines the entire objective of *Cox et al.* It is improper to combine references where the references teach away from their combination. *In re Grasselli*, 713 F.2d 731, 218 USPQ 769 (Fed. Cir. 1983). A prior art reference must be considered in its entirety including portions that would lead away from the claimed invention. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984).

Notwithstanding the above facts, the Examiner concluded that one of ordinary skill in the art would have been motivated to modify, i.e., actually undermine, the system of *Cox et al.* by applying the teachings of *Gerszberg et al.* While it is not exactly clear how the Examiner's proposed combination is to be effected, the Examiner still recognized that the combination did



not reach the claimed subject matter and turned to *BOC* for a disclosure of a plurality of listings and charging for the plurality of listings. The Examiner finally concluded that the skilled artisan would have been motivated to combine all three of these references, but without specifically explaining how the references are to be combined.

In order to establish the requisite realistic motivation, the Examiner is required to make **clear and particular factual** findings as to a specific understanding or specific technological principle, and then, based upon such **facts**, explain **why**, one having ordinary skill in the art would have been **realistically** motivated to modify **particular prior art**, in this case, the particular system disclosed by *Cox et al.*, to arrive at the claimed subject matter. *In re Lee*, 237 F.3d 1338, 61 USPQ2d 1430 (Fed. Cir. 2002); *Ecolchem Inc. v. Southern California Edison, Co.*, 227 F.3d 1361, 56 USPQ2d 1065 (Fed. Cir. 2000); *In re Kotzab*, 217 F.3d 1365, 55 USPQ2d 1313 (Fed. Cir. 2000); *In re Dembiczak*, 175 F.3d 994, 50 USPQ2d 1614 (Fed. Cir. 1999). The Examiner must offer “...some **articulated reasoning with some rational underpinning to support the legal conclusion of obviousness**,” *KSR Int’l Co. v. Teleflex, Inc.*, 550 U.S. \_\_\_, 2007, WL1237837, at \*14(2007), quoting from *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006). Moreover, the requisite fact-based motivation must be undertaken with a reasonable expectation of **successfully achieving** some particular objective. *Velandier v. Garner*, 348 F.3d 1359, 68 USPQ2d 1769 (Fed. Cir. 2003); *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Generalizations do not suffice. Rather, the Examiner must explain why one having ordinary skill in the art would have been realistically motivated to modify a **particular** reference in a **particular** manner to arrive at a **particular** claimed invention, *Ecolchem Inc. v. Southern California Edison, Co.*, 227 F.3d 1361, 56 USPQ2d 1065 (Fed. Cir. 2000); *In re Rouffet*, 149 F.3d at 1357, 47 USPQ2d 1453 (Fed. Cir. 1998).

Clearly, the Examiner has failed to establish a *prima facie* case of obviousness in the present case.

Firstly, the Examiner's "reason" for combining *Gerszberg et al.* with *Cox et al.* is "...to give the user more control of how and what information they are receiving from the service" (page 3 of the November 30, 2006 Final Office Action, lines 4 and 5). This generalization, i.e., "to give the user more control" has no foundation in the disclosure of the applied references and fails to explain why the skilled artisan would have been realistically motivated to modify *Cox et al.* and/or *Gerszberg et al.* in any particular manner to arrive at the subject matter set forth by the instant claims on appeal.

The Examiner attempts to explain this away, at page 2 of the Advisory Action of April 5, 2007, by stating that:

...the motivation is not required to be taught in the prior art. However, the examiner notes that Cox identifies two problems in the background, one being that customers in mobile environment [sic] need a better way to receive the information they want when they do not have access to a pen and pencil to write the information down. Therefore, one or [sic] ordinary skill in the art would combine Gerszberg with Cox to solve the problem identified by Cox on how a user receives information.

While a specific motivation is not required to be explicitly stated in a prior art reference, there must still be **"...some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness,"** *KSR Int'l Co. v. Teleflex, Inc.* The Examiner has articulated no such reason with some rational underpinning for combining the references. The statement in *Cox et al.*, in paragraph [0004], relative to the unsatisfactory nature, in a cellular telephone environment, of having ready access to a pencil and paper in order to make a note of a desired number received from directory assistance services, is merely a generalized statement of the need for a user to somehow record a number received from directory assistance services

without the need for pencil and paper. *Cox et al.* solves this problem by employing a signal to transfer a customer back to a directory assistance operator who provides any necessary further assistance, such as redialing a busy number. There is absolutely no suggestion in *Cox et al.* for **transmitting a plurality of directory listings to a client access device in response to the selection of more than one of the directory listings which were supplied as a consequence of customer initiated inquiry**, and the Examiner has provided no articulated reasoning with some rational underpinning to support the combination of *Cox et al.* and *Gerszberg et al.* as a basis for denying patentability of the appealed claims.

**Examiner's Proposed Combination Would Undermine the Objective of *Cox et al.***

Appellants stress that the Examiner's proposed modification of *Cox et al.* would undermine the objective of *Cox et al.* It is clear, and undisputed on the record, that the system disclosed by *Cox et al.* imposes the responsibility to rate the calls and determine the charge to be levied upon the **cellular carrier** (see, e.g., paragraphs [0046] and [0047]). The Examiner's proposed modification of *Cox et al.* would **undercut** that objective by making it the responsibility of the **directory assistance service provider**. It is **legally erroneous** to conclude that one having ordinary skill in the art would have been realistically motivated to modify a reference in a manner **inconsistent** with the disclosed objective. If a proposed modification would render the prior art being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Fritch*, 972 F.2d 1260, 23 USPQ2d 1780 (Fed. Cir. 1992); *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984); *In re Schulpen*, 390 F.2d 1009, 157 USPQ 52 (CCPA 1968).

At page 3 of the Advisory Action of April 5, 2007, the Examiner argues that *Cox et al.* discloses charging/billing by both the directory assistance and the cellular company, and that the

directory assistance charges the cell phone company a flat rate for so many of their cellular users requesting information from directory assistance. The Examiner argues that the cellular company then passes those costs onto the cellular user by billing/charging for the number of times a cellular user accesses directory assistance. The Examiner then concludes that *Cox et al.* “teaches an objective of billing means and methods for both the Directory assistance and the cellular carrier.”

Appellants disagree. It is clearly a stated objective of *Cox et al.* to allow the cellular carrier, rather than directory assistance, to bill the customer for the call connected by the directory assistance operator (Paragraphs [0008], [0047]) and the Examiner’s argument to the contrary simply ignores the clearly stated objective of *Cox et al.* Whatever transpires, or may transpire, between the directory assistance and the cellular carrier in *Cox et al.* is irrelevant as far as the disclosed objective of allowing the cellular carrier to bill the customer for the call connected by directory assistance is concerned.

Since *Cox et al.* is specifically directed to billing the customer for directory assistance by the cellular carrier, the Examiner’s proposed modification by the directory services system of *Gerszberg et al.* which would permit billing by the directory assistance service, goes directly against the grain of what is taught by *Cox et al.* Accordingly, those of ordinary skill in the art would not have been led to modify *Cox et al.* in a manner to cause billing by an entity other than the cellular carrier.

The Examiner’s position, at page 7 of the Final Office Action of November 30, 2006, that the claims do not specify who is responsible for the billing process, misses the point. Appellants’ argument here is not about what the claims recite, *per se*, but rather, about the artisan’s motivation to combine the applied references, and, more specifically, about a lack of reason to

combine/modify references when doing so would be antithetical to the stated objective of one or more of the references. It matters not where billing responsibility is imposed in the claims, but it does matter that the Examiner is proposing to undermine the objective of *Cox et al.* **That is legally wrong.**

The Examiner notes, at page 4 of the Advisory Action of April 5, 2007, that the test for obviousness is what the combined teachings of the references would have suggested to those of ordinary skill in the art. The Examiner accurately recites the test, but one must first establish the combination in order to apply the test and, in the instant case, the combination is improper because it would undermine the very objective of *Cox et al.*

#### **The Combined Disclosures Do Not Yield the Claimed Invention**

*Gerszberg et al.* provides search results to a user as text on a screen, but the user is provided with the option of selecting a listing only **after** search results are provided on the client access device. It does **not** transmit a plurality of directory listings to the client access device **in response to the selection of more than one of the directory listings which were supplied as a consequence of customer initiated inquiry**, as claimed. That is, in *Gerszberg et al.*, there is no means for the directory assistance service to first receive information on which listings the customer selects and, therefore, no means of transmitting the actual listing numbers to the customer. The listing numbers are sent directly to the customer in response to an inquiry. But, unlike in the presently claimed invention, there is no **initial transmission of information associated with the plurality of directory listings based upon a customer inquiry, and a subsequent transmission of a plurality of listing numbers in response to a selection of more than one directory listing by the customer.**

Since the Examiner admits that *Cox et al.* does not disclose the concept of transmitting information associated with one or more directory listings to a client access device over a package switched network in response to a customer-initiated query, and, as shown above, *Gerszberg et al.* also does not provide for this feature of the presently claimed invention, the Examiner relies on *BOC* for a teaching of a system and method for directory assistance that allows users to receive multiple listings and a process for charging the user for multiple listings, concluding that it would have been obvious to combine the three references “so as to be able to receive the results that are provided and charge accordingly for the number of listings requested” (page 3 of the Final Office Action of November 30, 2006).

Appellants disagree with the Examiner’s assessment of *BOC*. *BOC* is a very general disclosure of how telephone customers will be charged for multiple listings accessed via a directory assistance operator, but it does not provide for the deficiencies noted above with regard to *Cox et al.* and *Gerszberg et al.* Moreover, the Examiner’s rationale is again lacking any specifics as to precisely how/why the applied references are to be combined. The rationale is short on the requisite facts necessary to establish the motivation for combining the applied references.

Appellants disagree with the Examiner’s comment, at page 4 of the Advisory Action of April 5, 2007, that Appellants are arguing the references individually. On the contrary, Appellants are arguing that the combination is flawed because it would undermine the objective of *Cox et al.* in having the cellular company bill for directory assistance services and because none of the applied references provides for the claimed **transmitting information associated with a plurality of directory listings to a client access device...in response to a query initiated by a customer and, in response to a selection of more than one of the directory**

**listings from the client access device, transmitting a plurality of listing numbers to the client access device.**

The Examiner notes, at page 4 of the Advisory Action of April 5, 2007, that Appellants are not claiming the transmission of a directory listing but only of information “associated” with a plurality of directory listings. The Examiner then applies col. 3, lines 40-55, of *Gerszberg et al.* as a teaching of a user being provided the option of obtaining more information about certain listings, e.g., an operator indicating listings that have been found, e.g., six “John Does listed in Smalltown America, USA.” Appellants find no such disclosure at the cited portion of *Gerszberg et al.* But, in any event, the instant claims require that in response to a selection of more than one of **the directory listings**, transmitting a plurality of listing numbers to the client access device. Therefore, while the claims may call for transmitting information **associated** with a plurality of directory listings, it is clear from the claim language that the client access device has been sent **directory listings** because a selection of more than one of the directory listings is made from the client access device. The system of *Gerszberg et al.* does not provide for transmitting information associated with a plurality of directory listings to a client access device responsive to a customer inquiry and then, in response to a **selection of more than one of the directory listings from the client access device**, transmitting a plurality of listing numbers to the client access device. Each of independent claims 1, 9, 17, 25, and 33, requires at least a **selection of more than one of the directory listings from the client access device**. Thus, the client access device does contain **directory listings**, and not merely information “associated” with directory listings.

Since neither *Cox et al.* nor *Gerszberg et al.* nor *BOC* teaches or suggests transmitting a plurality of listing numbers to a client access device in response to a selection of more than one of

the directory listings supplied in response to a customer inquiry, the rejection of claims 1, 5-9, 13-17, 21-25, 29-33, and 37-40 under 35 U.S.C. § 103, predicated on the combination of these references, must fail. The Honorable Board's reversal of this rejection is earnestly solicited.

**B. CLAIMS 2-4, 10-12, 18-20, 26-28, AND 34-36 ARE NOT RENDERED OBVIOUS BY COX ET AL. IN VIEW OF GERSZBERG ET AL., BOC, AND SHAH ET AL. BECAUSE SHAH ET AL. FAILS TO PROVIDE FOR THE DEFICIENCIES NOTED ABOVE.**

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Appellants incorporate herein the arguments previously advanced in traversing the rejection of independent claims 1, 9, 17, 25, and 33 under 35 U.S.C. § 103 for obviousness predicated upon the disclosures of *Cox et al.*, *Gerszberg et al.*, and *BOC*.

The addition reference to *Shah et al.* fails to cure the deficiencies in the attempted combination of *Cox et al.*, *Gerszberg et al.*, and *BOC*. Accordingly, even if the applied references are combined in the manner proposed by the Examiner, and again Appellants do not agree that the requisite fact-based motivation has been established, the claimed subject matter would not result.

Moreover, Appellants separately argue the patentability of the dependent claims. Specifically, Appellants would stress that each of claims 2, 10, 18, 26, and 34 requires the inclusion of **partial directory information** in the information transmitting step. That feature is neither disclosed nor suggested by any of the applied references, including *Shah et al.*

After initially pointing to col. 3, lines 50-55, of *Shah et al.* for this feature, the Examiner now appears to rely on *Cox et al.* (paragraph [0040]) and *Gerszberg et al.* (col. 32, lines 40-53)<sup>2</sup> for this feature (see page 5 of the Advisory Action of April 5, 2007).

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<sup>2</sup> There is no column 32 in *Gerszberg et al.* and it is unclear what column the Examiner intends.



Appellants have reviewed the cited portions of the references to the extent possible and find no teachings therein of the claimed **partial directory information**. The Examiner cites a user “coming back for further instructions/directional information” in *Cox et al.* and argues that this teaches that there is information that has not been supplied from the initial search, so that only “part” has been supplied initially. Appellants disagree. In *Cox et al.*, the user comes back, if necessary, only because the user was unable to write down the entire information given to him/her initially, but the initial information was complete, not partial. Moreover, the claims call for partial **directory** information, not merely partial information.

In *Gerszberg et al.*, merely because the user is provided with an option of “more” information does not mean that the information already supplied to the user was “partial.” Rather, in *Gerszberg et al.*, the user is provided with **complete** search results, and the user is given the option to obtain more information about those results. It would not be fair to say that *Gerszberg et al.* provides for the claimed **partial directory information**.

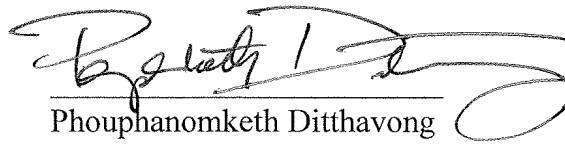
**VIII. CONCLUSION AND PRAYER FOR RELIEF**

For the foregoing reasons, Appellants request the Honorable Board to reverse each of the Examiner's rejections.

Respectfully Submitted,

DITTHAVONG MORI & STEINER, P.C.

6/20/07  
Date

  
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**IX. CLAIMS APPENDIX**

1. A method of charging for directory assistance services that are provided over a packet switched network, the method comprising:

transmitting information associated with a plurality of directory listings to a client access device over the packet switched network in response to a query initiated by a customer; in response to a selection of more than one of the directory listings from the client access device, transmitting a plurality of listing numbers to the client access device; and preparing billing information based upon a number of the plurality of listing numbers transmitted to the client access device.

2. The method according to claim 1, wherein the information in the transmitting step includes partial directory information, the method further comprising:

receiving a request for the billing information from the client access device; and transmitting the billing information to the client access device.

3. The method according to claim 1, further comprising:

transmitting the billing information according to a pre-determined delivery mechanism, wherein the delivery mechanism includes at least one of e-mail, facsimile, or paging.

4. The method according to claim 1, wherein the client access device in the tracking step includes at least one of a personal computer (PC), a PDA (personal digital assistant), a web-appliance, an e-mail client, a web-enabled cell phone, or non-PC device.

5. The method according to claim 1, wherein the directory assistance services include at least one of a client controlled querying, modifying, classifying, editing, or web-based text

chatting, and wherein the directory listings in the tracking step include a name, an address, and a directory number, an enhanced content data including at least one of a mobile number, a pager number, a facsimile number, a voice-mail, an e-mail address, or a Uniform Resource Locator (URL) identifier.

6. The method according to claim 1, wherein the packet switched network is an Internet Protocol (IP) network, and the client access device employs the IP protocol.

7. The method according to claim 1, wherein the preparing step comprises:

determining a billing arrangement of the customer; and

computing an invoice amount based upon the billing arrangement, wherein the billing

arrangement includes at least one of a transactional based fee arrangement, per seat arrangement, flat rate fee arrangement, or volume based fee arrangement.

8. The method according to claim 1, wherein the directory listings in the tracking step are based upon data that is supplied from a local exchange carrier (LEC), a Regional Bell Operating Company (RBOC), or a third party database.

9. A server apparatus for charging for directory assistance services that are provided over a packet switched network, the server apparatus comprising:

a communication system configured to transmit information associated with a plurality of

directory listings to a client access device over the packet switched network in response to

a query initiated by a customer and, in response to a selection of more than one of the

directory listings from the client access device, transmitting a plurality of listing numbers

to the client access device;

a processor configured to prepare billing information based upon a number of the plurality of listing numbers transmitted to the client access device; and

a memory coupled to the processor configured to store the number of the plurality of listing numbers.

10. The server apparatus according to claim 9, wherein the information in the transmitting step includes partial directory information, further comprising:

a communication interface configured to receive a request for the billing information from the client access device, and to transmit the billing information to the client access device over the packet switched network.

11. The server apparatus according to claim 9, further comprising:

a communication interface configured to transmit the billing information according to a pre-determined delivery mechanism, wherein the delivery mechanism includes at least one of e-mail, facsimile, or paging.

12. The server apparatus according to claim 9, wherein the client access device includes at least one of a personal computer (PC), a PDA (personal digital assistant), a web-appliance, an e-mail client, a web-enabled cell phone, or non-PC device.

13. The server apparatus according to claim 9, wherein the directory assistance services include at least one of a client controlled querying, modifying, classifying, editing, or web-based text chatting, and wherein the directory listings include a name, an address, and a directory number, the enhanced content data including at least one of a mobile number, a pager number, a facsimile number, a voice-mail, an e-mail address, or a Uniform Resource Locator (URL) identifier.

14. The server apparatus according to claim 9, wherein the packet switched network is an Internet Protocol (IP) network, and the client access device employs the IP protocol.

15. The server apparatus according to claim 9, wherein the processor is configured to determine a billing arrangement of the customer, and to compute an invoice amount based upon the billing arrangement, wherein the billing arrangement includes at least one of a transactional based fee arrangement, per seat arrangement, flat rate fee arrangement or volume based fee arrangement.

16. The server apparatus according to claim 9, wherein the directory listings are based upon data that is supplied from a local exchange carrier (LEC), a Regional Bell Operating Company (RBOC), or a third party database.

17. A server apparatus for charging for directory assistance services that are provided over a packet switched network, the server apparatus comprising:

means for transmitting information associated with plurality of directory listings to a client access device over the packet switched network in response to a query initiated by a customer;

means for transmitting a plurality of listing numbers to the client access device in response to a selection of more than one of the directory listings from the client access device; and

means for preparing billing information based upon a number of the plurality of listing numbers transmitted to the client access device.

18. The server apparatus according to claim 17, wherein the information in the transmitting step includes partial directory information, the apparatus further comprising:

means for receiving a request for the billing information from the client access device; and

means for transmitting the billing information to the client access device.

19. The server apparatus according to claim 17, further comprising:

means for transmitting the billing information according to a pre-determined delivery mechanism, wherein the delivery mechanism includes at least one of e-mail, facsimile, or paging.

20. The server apparatus according to claim 17, wherein the client access device includes at least one of a personal computer (PC), a PDA (personal digital assistant), a web-appliance, an e-mail client, a web-enabled cell phone, or non-PC device.

21. The server apparatus according to claim 17, wherein the directory assistance services include at least one of a client controlled querying, modifying, classifying, editing, or web-based text chatting, and wherein the directory listings include a name, an address, and a directory number, the enhanced content data including at least one of a mobile number, a pager number, a facsimile number, a voice-mail, an e-mail address, or a Uniform Resource Locator (URL) identifier.

22. The server apparatus according to claim 17, wherein the packet switched network is an Internet Protocol (IP) network, and the client access device employs the IP protocol.

23. The server apparatus according to claim 17, wherein the preparing means comprises:  
means for determining a billing arrangement of the customer; and

means for computing an invoice amount based upon the billing arrangement, wherein the billing arrangement includes at least one of a transactional based fee arrangement, per seat arrangement; flat rate fee arrangement, or volume based fee arrangement.

24. The server apparatus according to claim 17, wherein the directory listings are based upon data that is supplied from a local exchange carrier (LEC), a Regional Bell Operating Company (RBOC), or a third party database.

25. An on-line directory assistance service system for charging for directory assistance services that are provided over a packet switched network, the system comprising:

a system configured to transmit information associated with a plurality of directory listings to a client access device over the packet switched network in response to a query initiated by a customer and, in response to a selection of more than one of the directory listings from the client access device, transmitting a plurality of listing numbers to the client access device;

a server configured to prepare billing information based upon a number of the plurality of listing numbers transmitted to the client access device; and

a database coupled to the server and configured to store the number of the plurality of listing numbers.

26. The system according to claim 25, wherein the information in the transmitting step includes partial directory information, and the server is configured to receive a request for the billing information from the client access device, and to transmit the billing information to the client access device over the packet switched network.



27. The system according to claim 25, wherein the server is configured to transmit the billing information according to a pre-determined delivery mechanism, wherein the delivery mechanism includes at least one of e-mail, facsimile, or paging.

28. The system according to claim 25, wherein the client access device includes at least one of a personal computer (PC), a PDA (personal digital assistant), a web-appliance, an e-mail client, a web-enabled cell phone, or non-PC device.

29. The system according to claim 25, wherein the directory assistance services include at least one of a client controlled querying, modifying, classifying, editing, or web-based text chatting, and wherein the directory listings include a name, an address, and a directory number, the enhanced content data including at least one of a mobile number, a pager number, a facsimile number, a voice-mail, an e-mail address, or a Uniform Resource Locator (URL) identifier.

30. The system according to claim 25, wherein the packet switched network is an Internet Protocol (IP) network, and the client access device employs the IP protocol.

31. The system according to claim 25, wherein the server is configured to determine a billing arrangement of the customer, and to compute an invoice amount based upon the billing arrangement, wherein the billing arrangement includes at least one of a transactional based fee arrangement, per seat arrangement, flat rate fee arrangement, or volume based fee arrangement.

32. The system according to claim 25, wherein the directory listings are based upon data that is supplied from local exchange carriers (LECs), a Regional Bell Operating Company (RBOC), or third party databases.

33. A computer-readable medium carrying one or more sequences of one or more instructions for charging for directory assistance services that are provided over a packet switched network, the one or more sequences of one or more instructions including instructions which, when executed by one or more processors, cause the one or more processors to perform the steps of:

transmitting information associated with a plurality of directory listings to a client access device over the packet switched network in response to a query initiated by a customer;  
transmitting a plurality of listing numbers to the client access device in response to a selection of more than one of the directory listings from the client access device; and  
preparing billing information based upon a number of the plurality of listing numbers transmitted to the client access device.

34. The computer-readable medium according to claim 33, wherein the information in the transmitting step includes partial directory information, and wherein the one or more processors further perform the steps of:

receiving a request for the billing information from the client access device; and transmitting the billing information to the client access device.

35. The computer-readable medium according to claim 33, wherein the one or more processors further perform the steps of:

transmitting the billing information according to a pre-determined delivery mechanism, wherein the delivery mechanism includes at least one of e-mail, facsimile or paging.

36. The computer-readable medium according to claim 33, wherein the client access device in the tracking step includes at least one of a personal computer (PC), a PDA (personal digital assistant), a web-appliance, an e-mail client, a web-enabled cell phone, or non-PC device.

37. The computer-readable medium according to claim 33, wherein the directory assistance services include at least one of a client controlled querying, modifying, classifying, editing, or web-based text chatting, and wherein the directory listings in the tracking step include a name, an address, and a directory number, the enhanced content data including at least one of a mobile number, a pager number, a facsimile number, a voice mail, an e-mail address, or a Uniform Resource Locator (URL) identifier.

38. The computer-readable medium according to claim 33, wherein the packet switched network is an Internet Protocol (IP) network, and the client access device employs the IP protocol.

39. The computer-readable medium according to claim 33, wherein the preparing step comprises:

determining a billing arrangement of the customer; and

computing an invoice amount based upon the billing arrangement, wherein the billing arrangement includes at least one of a transactional based fee arrangement, per seat arrangement, flat rate fee arrangement, or volume based fee arrangement.

40. The computer-readable medium according to claim 33, wherein the directory listings are based upon data that is supplied from a local exchange carrier (LEC), a Regional Bell Operating Company (RBOC), or a third party database.

**X. EVIDENCE APPENDIX**

Appellants are unaware of any evidence that is required to be submitted in the present Evidence Appendix.

**XI. RELATED PROCEEDINGS APPENDIX**

Appellants are unaware of any related proceedings that are required to be submitted in the present Related Proceedings Appendix.